

Amendment No. 1 to HB0525

**Buck
Signature of Sponsor**

AMEND Senate Bill No. 1419

House Bill No. 525*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-102, is amended by adding the following new subdivision to be designated as follows and by renumbering subsequent subdivisions appropriately:

(40) "Qualified Specialist" means an individual appointed by the court to perform fact finding and similar functions including assisting litigants and acting in the best interest of a child who is the subject of a proceeding and shall be a person who is qualified for such role by licensing, education, training or experience, which should include one or more areas such as family relations, mental health or child development, as needed in the individual case. Where possible, preference should be given to appointing a person who is licensed or certified in such appropriate discipline. A "Qualified Specialist" may be, but does not have to be, a lawyer licensed to practice law in Tennessee.

SECTION 2. Tennessee Code Annotated, Section 36-1-132, is amended by deleting the words "guardian ad litem" from the title and substituting therefore the words "lawyer and qualified specialist." Tennessee Code Annotated, Section 36-4-132, is further amended by deleting the language of the section in its entirety and substituting therefore the following:

(a) In an action for dissolution of marriage involving minor children, upon its own motion or upon motion of either party, the court may appoint a lawyer for any minor child of the marriage.

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(b) The court may also, upon its own motion or upon motion of either party, appoint a qualified specialist as defined in Tennessee Code Annotated, Section 36-1-102(40) to perform fact finding, who shall make such reports and recommendations pertaining to the welfare of the child as the court may order or direct.

(c) The reasonable fees or costs of the lawyer and the qualified specialist shall be born by the parties and may be assessed by the court as it deems equitable. Such fees or costs may be waived upon motion for an indigent person.

(d) Any lawyer or qualified specialist appointed by the court pursuant to this section shall be presumed to be acting in good faith and in so doing shall be immune from any liability that might otherwise be incurred while acting within the scope of such appointment. Such immunity shall apply in all proceedings in which such person or persons shall act.

SECTION 3. Tennessee Code Annotated, Section 36-6-407, is amended by deleting the language "guardian ad litem" in subsection (a)(3) before the words "if one" and substituting therefore the language "lawyer appointed for the child under Tennessee Code Annotated, Section 36-4-132".

SECTION 4. This act shall take effect July 1, 2001, the public welfare requiring it.